



## City of Tigard

# Tigard City Council Meeting Minutes

May 14, 2013

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- STUDY SESSION

Mayor Cook to call the meeting to order at 6:30 p.m.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	
Council President Henderson	✓	
Councilor Buehner	✓	
Councilor Snider	✓	
Councilor Woodard	✓	

Staff Present: City Manager Wine, Assistant City Manager Newton, Finance and Information Services Department Director LaFrance, Senior Planner Wyss, Associate Planner Daniels, City Attorney Watts, City Recorder Wheatley

## 1. DISCUSSION ON RIVER TERRACE COMMUNITY PLAN - INFRASTRUCTURE FINANCING

Track 1

Senior Planner Wyss presented the staff report. Key points of his presentation included:

- Gave background to this point on the development of the West Bull Mountain Concept Plan. This information is summarized in the Agenda Item Summary.
- After adoption of the Concept Plan, the city annexed Area 64. Subsequently, the city signed an intergovernmental agreement with the county to move forward from the Concept Plan and implement the Community Plan to get regulations in place so development could happen.
- Since the signing of the intergovernmental agreement, the city also annexed Area 63 and the lower 50 acres, known as Roy Rogers West.
- In December 2012, the council adopted the recommended land uses, which were in the Concept Plan. These land uses are now adopted within the Tigard Comprehensive Plan.
- As project manager of the Community Plan, Mr. Wyss advised he was charged with the task of implementing the Concept Plan through an efficient and public process. Implementation includes specifying zoning and land use regulations, infrastructure master plans and a financing strategy to assist in converting the area from rural to urban land uses.

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- The plan area will accommodate approximately 2,300 housing units and a small neighborhood commercial area to service the local residents. The plan also calls for a series of parks and trails, well connected streets and a site for a future school.
- The Concept Plan went through a typical planning process, where in the beginning there was a set of goals/principles discussed with the stakeholder working group and technical advisory committee. This process led the project through to the adoption of the Concept Plan by the Board of the County Commissioners.
- Staff has begun translating the recommended land uses into Tigard's city zoning districts. Staff has also done some natural resource mapping.
- Rounds of meetings were held with the technical advisory committee. The City Council appointed a stakeholder working group for the River Terrace Community Plan process. A community meeting has been held to gather feedback on the natural resource and zoning tasks. On May 21, staff will present information on the results of the above-mentioned meetings.
- Staff is in the process of finalizing a scope of work for the consultant team chosen to assist the city with the infrastructure master planning and financing strategies. The consultant team will help outline the various tools, funding opportunities and policy choices for the council to weigh and consider when adopting the financing strategies at the end of the process to ensure successful development of the area.
- Council will be asked, as part of the process, to hold a series of public hearings to adopt different components of the plan, including the zoning and land use regulations. In addition, the city will update its Transportation System Plan, adopt the natural resource maps to outline the program in the River Terrace area, adopt the public facility plan and the infrastructure financing strategy.
- Staff will keep council updated on progress and discuss policy choices through periodic updates during the City Council study sessions. Decisions to be made include determining individual stakeholder needs vs. the entire planning area needs; land use recommendations from the Concept Plan (whether the city holds to those recommendations or will there be flexibility allowed to determine where the uses will be located); the park locations and how to fund acquisition, development and maintenance; transportation impacts (not only on-site transportation infrastructure, but the offsite impacts, and determine how to finance mitigation of those impacts through coordination with the City of Beaverton, Washington County and the Oregon Department of Transportation); infrastructure phasing since not all properties will develop at the same time; determine how to strike a balance between how much development pays for infrastructure needs vs. how much the city will subsidize.

#### Track 2

- Mayor Cook commented on water service and questioned how or if the infrastructure for this service would be phased in. Senior Planner Wyss said this question would be answered during the infrastructure strategies master planning. Street construction usually occurs with development and is paid for by the developer.

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### Track 3

- Councilor Buehner commented whether the low density R-4.5 along Scholls Ferry Road was practical. She noted the commercial area as now shown on the map would be “perfect for low density residential.” She asked if these two areas could be traded. Senior Planner Wyss commented that, through the process, it was determined there should be a low-density buffer between the existing neighborhoods and the higher density areas. Councilor Buehner said she understood this reasoning; however, pointed out that no one would want to live in a low-density area along Scholls Ferry Road. She acknowledged issues associated with high-density housing, but reiterated her reservations about placing low-density development at this location.
- Senior Planner Wyss shared that discussions have been held about placing high-density housing near the PGE sub-station.
- Councilor Buehner said that “we put ourselves in a box, when we adopted the Fanno Creek Master Plan...specifically stating we were going to put a plaza on a particular piece of property in which case that puts the council and the staff in a really, really bad box in terms of negotiating with a seller about buying that property. I am very hesitant to be very specific about where parks will be to avoid that issue happening again. It basically made the property too expensive to buy.”
- Council President Henderson asked what types of problems would be created if the City Council were to decide to make changes to the Concept Plan.

### Track 4

- Senior Planner Wyss responded to Council President Henderson that the biggest problem would be the amount of time any proposed changes might take. Many discussions have been held during the Concept Plan process, such as the location of the commercial area and the location of parks. If those topics are reopened, the entire process will need to be redone. There was a lot of time and investment made in the creation of the Concept Plan. In response to Council President Henderson, Mr. Wyss said that if changes are proposed, it is unlikely that the Community Plan will be completed by March of 2014. He explained that some changes have been agreed to by the committees that are doing work now. There has been no consensus that the commercial area should be moved.
- Discussion was held on how to approach the Community Plan. Councilor Snider agreed that identifying properties for certain purposes, as referenced by Councilor Buehner, was a problematic way of doing business. Councilor Snider said a “Concept Plan” means to him to be a relatively abstract product. Mayor Cook spoke to a question posed by City Manager Wine and said his answer would be “yes” that staff should have flexibility to suggest types of land uses in areas, without detailed specifics. Mayor Cook added the caveat that he did not want to add a year to the process to accomplish this flexibility.
- In response to a question from Councilor Snider, City Manager Wine advised the Stakeholder Working Group and the Technical Advisory Committee represent the public process for the Community Plan. Much direction flows from zoning designations to identify how areas are foreseen to be developed and where infrastructure will be extended.

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#### Track 5

- City Manager Wine said the Stakeholder Working Group will need some certainty to move forward.

#### Track 6

- Senior Planner Wyss explained further if properties are allowed to develop as they wish without identifying park locations, then there is a possibility that no parks would be developed. A balance is needed between flexibility and identifying land uses. City Manager Wine said other options might be available; for example, would the city want to proactively, before zoning is in place, begin looking at purchasing property. Councilor Buehner pointed out that at the time the Concept Plan had been completed, the city had not purchased all of the park property (about 50 acres) that it now owns on Bull Mountain. Park shortages on Bull Mountain were a concern during the Concept Plan process. Perhaps the city does not need to dedicate as much acreage to parks in the River Terrace area.
- Councilor Woodard suggested discussions about park locations might be eligible for executive session discussion. City Manager Wine said executive sessions could be held if the city was the purchaser and developer of park property.
- Mayor Cook pointed out that pocket parks are often built as part of development. Councilor Buehner suggested the city could require some of the developed land be dedicated toward small parks and give developers the flexibility to determine location. Senior Planner Wyss said that this was part of the Concept Plan with eight neighborhood parks identified (1 to 2.5 acres in size). The parks were designated toward “general locations.” The larger (10 acres) community parks were designated at a more fixed locations – the boundaries could change, but those were the locations identified. Councilor Buehner commented there has been land offered to the city that is for sale in this area.
- In response to a question from Councilor Snider, Senior Planner Wyss said the open space designations are creeks and wetlands that will be protected through the development process.

#### Track 7

- Mayor Cook said he is concerned about the commercial area, which he believes should be located on a busy road. If the planning is to include the goal to designate the area as a place to shop, live and work, then it would make sense to have the commercial accessible. Senior Planner Wyss advised the currently identified commercial area is about 5-6 acres. The current location was chosen after a commercial analysis was completed as part of the Concept Plan. A full-scale grocery store was considered and the determination was that there would be enough population to support it, but with the proximity of Progress Ridge, Murray/Scholls, Albertson’s and services on 99W, the configuration of the site would be problematic. It was determined that it would be better to have a smaller commercial, neighborhood-focused area to serve the weekly needs of the residents. The analysis was done 2008-2009.

#### Track 8

- City Manager Wine advised if the council were to explore revisiting the location of the commercial property there would be a need to consider existing conditions to obtain a market basis for deciding where to zone commercial property. There was discussion about the changes

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in the Urban Growth Boundary and the areas designated as Urban Reserves, which should be taken into consideration for future planning.

- Councilor Woodard referred to a buffer area and noted his reservations about placing higher density in this area. Senior Planner Wyss confirmed there were no plans to move density to the buffer. The conversation about the commercial areas sliding out to Roy Rogers Road occurred during the Concept Plan process according to Senior Planner Wyss. Both the Technical Advisory Committee and the Stakeholder Working Group voted to keep the commercial at its current location to serve local needs (pedestrian/bikes). Councilor Buehner suggested another location for the commercial might be near the PGE sub-station.
- In response to a question from Councilor Snider, Senior Planner Wyss said that tonight staff was hoping to get direction from City Council as to whether or not certain issues should be revisited. These issues were “hashed out” during the Concept Plan process. The city accepted the Plan and now we are trying to move forward to put zoning in place.
- Councilor Buehner said she is not happy with the Concept Plan.

#### Track 9

- Councilor Woodard said he has attended the Technical Advisory Committee and Stakeholder Working Group meeting. His impression is that there is not a whole lot of flexibility potential; however, there might be the possibility of some minor amendments. He said he is compelled to go with what the majority is discussing. He recalled there was support for attaining uniformity with the existing neighborhoods with the buffer area. There was discussion about locations of parks and historical perspectives that some of the parks were last-minute add-ons. Densities were agreed upon by both of the groups. He said he was feeling comfortable with the majority decision.
- Senior Planner Wyss said he will be giving the City Council the results of the three meetings held previously by the Technical Advisory Committee and the Stakeholder Working Group.
- City Manager Wine said the staff was presenting this information to the City Council tonight to get a sense of how much flexibility and how much movement the City Council members would like to see from what was originally adopted in the Concept Plan. Settling zoning questions makes almost everything else about the plan able to move forward.
- Councilor Buehner said everything depicted on the zoning south of Bull Mountain is acceptable. She has a problem with the north end zoning and said she would not support the location of the commercial. The information about locating the commercial is outdated. In addition, she does not want specific parcels on parkland to be designated.

#### Track 10

- Mayor Cook said he is open to provide flexibility in the Community Plan. While he does not want the process to take a long time, he sees no problem with providing flexibility. Before he was on City Council, he recalled a City Council discussion in December 2012, wherein the City Council questioned whether they would be able to make changes and hold discussions if they adopted the recommended land uses from the Concept Plan. The time is now to hold these discussions.

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#### Track 11

- Councilor Snider said he needs to hear more feedback from the Technical Advisory Committee and the Stakeholder Working Group, which is scheduled for next week. Once he hears this feedback, he will be more comfortable on commenting on issues he might want to revisit as the Community Plan goes forward. He said he, too, has questions about the location of the commercial area and whether it should be neighborhood-commercial or a more broad commercial area. Depending on this determination, this will dictate the size needed for the commercial area.

#### Track 12

- Councilor Woodard noted his agreement with Councilor Snider. He said he was flexible to some extent.

#### Track 13

- Councilor Buehner said she heard that part of the reason the commercial is located where it is now was so people who had views “up on the hill” would not be able to see the flat rooftops of the commercial buildings. She said she would like to know if this was the case. Senior Planner Wyss said he has not heard this. He said the documentation indicates the location was selected so the commercial was accessible to pedestrians/bikes vs. car oriented.

#### Track 14

- Senior Planner Wyss went on to explain that Washington County controls Roy Rogers Road and Scholls Ferry Road and they will limit access on these roads to the five points identified in the Concept Plan. They would not allow a commercial development accessed by Roy Rogers Road. Making a change would affect the transportation analysis that was done. He explained impacts to neighborhoods. A lot of the negotiations done as part of the Concept Plan would be reopened.

#### Track 15

- Councilor Buehner referred to the 2008 study relating to the identified commercial area. She asked, “How much money are talking about and how long would it take for them to update this study?” Senior Planner Wyss said he did not think it would take long to update the study and he would need to determine how much it would cost.

#### Track 16

- Council President Henderson advised he has a concern about keeping this project moving along. He acknowledged that City Council adopted elements of the Concept Plan and the city credibility is on the line. While he is uncertain as to how much the council will be able to change, he is also anticipating there will be a lot of controversial issues brought forward over time. He would like to avoid this. He said the council accepted the Concept Plan and now has to transition to a Community Plan. He has always maintained there should be flexibility for building the community. He would like to be able to influence the type of community it becomes so it does not become just another housing project. He is concerned about timing and getting into a “spiral” where the Concept Plan completion is delayed for a long time.

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- Councilor Buehner noted agreement with walkable communities. She asked if most of the commercial was moved elsewhere, could a site for something like a 7-11 be left in the area.

#### Track 17

- Senior Planner Wyss responded to Council President Henderson's comments (see Track 16). He referred to an area that was meant to be a community gathering place with the commercial circling it and residential nearby so it would be more of a mixed-use center. It was envisioned as a small community. He then pointed to the areas for higher density development to provide patrons for the commercial services.
- Councilor Buehner asked if the commercial area provided for parking for those who do not live within walking distance. Senior Planner Wyss said the area was designed to accommodate about 25,000 square feet of space and parking would be based on this square footage.
- City Manager Wine said if the Concept Plan is translated from concept to Tigard zoning designations, then parking requirements are determined through a formula based on the amount of commercial square footage.
- Councilor Snider asked about whether people, from very much of the whole area, could reasonably walk to the commercial area. Senior Planner Wyss confirmed that "yes" this is what the analysis indicated. Some areas are more than a mile away. The Concept Plan area went all the way to Beef Bend Road, where there was another small commercial area.
- City Manager Wine said the goal tonight was to give the City Council a preview. Some of these issues will be discussed at next week's council meeting.
- Councilor Buehner commented that there needs to be joint work sessions with the Planning Commission. Senior Planner Wyss said he will be updating the commission next Monday followed by a meeting with the council on Tuesday.

#### Track 18

##### ADMINISTRATIVE ITEMS:

City Manager Wine reviewed:

- Updates for tonight's business meeting:
  - Revised April 16, 2013 minutes per Deputy Recorder Krager's May 14, 2013 email.
  - Proposed resolution for the LCRB Item No. 8 – memorializing the LCRB granting an exemption from the competitive screening and selection process for the 72<sup>nd</sup> and Dartmouth Project.
- Façade Improvement Subcommittee – Councilor Buehner will replace Councilor Woodard on this subcommittee.
- Council Stipends Payment Schedule – City Council is currently paid quarterly; however if members choose, the payments could be issued bi-weekly. Council members commented the payments could be made based on whatever was easiest to administer.
- Council Calendar:
  - May 21 – Workshop Meeting, 6:30 p.m.
  - May 27 – Memorial Day – City Hall offices closed
  - May 28 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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- EXECUTIVE SESSION: Not held.

Study Session concluded at 7:21 p.m.

## 2. BUSINESS MEETING

A. Mayor Cook called the meeting to order at 7:31 p.m.

B. City Recorder Wheatley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	
Council President Henderson	✓	
Councilor Buehner	✓	
Councilor Snider	✓	
Councilor Woodard	✓	

C. Pledge of Allegiance

D. Council Communications & Liaison Reports – Mayor Cook asked for communications and reports from the council.

Councilor Buehner advised she would give a report at the end of the business meeting.

Councilor Woodard reported on a recent Park and Recreation Advisory Board meeting he attended. The Tigard Transportation Advisory Committee requested some support for bicycling. There was discussion about a small dog containment area in the dog park. He advised requests are beginning to come forward about a potential city recreation program. Projects in recently acquired parks are continuing to move forward. Scouts and Tigard High School students are working on placing bark chips on trails within the East Bull Mountain Park (also known as the former Paull property).

E. Call to Council and Staff for Non-Agenda Items – Mayor Cook called for non-agenda items. There were none.

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3. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- A. Follow-up to Previous Citizen Communication – There was no follow up to report.
- B. Tigard High School Student Envoy – Next year’s Associated Student Body President EJ Albaugh presented the report. A copy of his report is on file in the council meeting packet.

- C. Tigard Area Chamber of Commerce – Chief Executive Officer Debi Mollahan presented a report on recent Chamber activities. A copy of the highlights of her report is on file in the council meeting packet.

D. Citizen Communication – Sign Up Sheet

- Chris Garsteck – 11774 SW 125<sup>th</sup> Court, Tigard, OR 97223 spoke to the City Council to ask for consideration, when looking at the River Terrace property, to include a dog park. She said she looks forward to working with the city staff and council members to bring about another “fantastic” dog park. She referred to the popularity of the Ash Street Dog Park.

Ms. Garsteck presented information about the latest trends in how dog parks are developed. Discussion followed on elements desirable in a dog park including how to develop so they are useable in the winter, parking requirements and a separate area for small dogs. The dog park is often used as a community gathering place.

4. PROCLAIM MAY 19-25, 2013, AS EMERGENCY MEDICAL SERVICES (EMS) WEEK

Mayor Cook read the proclamation naming May 19-25, 2013 as Emergency Medical Week.

Kristen Hoover, manager of Metro West Ambulance shared some background on the history of Metro West. A copy of her remarks is on file in the council meeting packet. She thanked the city for the acknowledgement represented by this proclamation.

Mayor Cook called for consideration of the Consent Agenda:

5. CONSENT AGENDA: (Tigard City Council)

- A. Receive and File:

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1. Council Calendar
2. Council Tentative Agenda for Future Meeting Topics

B. Approve City Council Meeting Minutes for:

1. March 19, 2013
2. March 26, 2013
3. April 9, 2013
4. April 16, 2013
5. April 23, 2013

C. AUTHORIZE EXECUTION OF A RIVER TERRACE UTILITY IMPROVEMENT INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY

D. APPROVE TIGARD/TRIMET GRANT APPLICATION FOR NEW TRANSIT SERVICE ON 72ND AVENUE

Councilor Buehner requested the April 16, 2013, City Council minutes be considered separately as she did not attend this meeting.

Motion by Councilor Woodard, seconded by Councilor Snider, to approve the April 16, 2013, City Council Minutes.

The motion was approved by a majority vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Abstained
Councilor Snider	Yes
Councilor Woodard	Yes

Motion by Councilor Buehner, seconded by Councilor Snider, to approve all remaining Consent Agenda items (excluding the April 16, 2013 City Council Minutes).

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

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6. AWARD THE 2013 "IF I WERE MAYOR" CONTEST PRIZE

Mayor Cook recognized and awarded a gift certificate to student artist, Max Plaster, for his winning poster entry in the Oregon Mayor's Association annual "If I were Mayor" contest. The Tigard prize is a \$50 gift card. Mr. Plaster's poster has been entered into the statewide contest for a chance to win one of three new laptop computers from the Oregon Mayor's Association.

7. CONSIDER A RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY FOR THE 72ND AVENUE/DARTMOUTH STREET INTERSECTION IMPROVEMENT PROJECT

Engineering Manager McMillan presented the staff report. The city needs to acquire right of way for the street improvement. She referred to the need to follow the federal process, which includes the requirement of a resolution of necessity for rights of way or easements. Because the project is being expanded the costs have increased from approximately \$100,000 to \$600,000.

Motion by Councilor Buehner, seconded by Councilor Woodard, to adopt Resolution No. 13-19.

RESOLUTION NO. 13-19 - A RESOLUTION DECLARING THE NEED TO ACQUIRE RIGHTS OF WAY AND EASEMENTS ON PROPERTIES FOR THE PURPOSE OF CONSTRUCTING STREET IMPROVEMENTS ALONG 72<sup>ND</sup> AVENUE AND DARTMOUTH STREET AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

Mayor Cook announced the following item to be considered by the Local Contract Review Board:

LOCAL CONTRACT REVIEW BOARD

8. INFORMATIONAL PUBLIC HEARING TO GRANT AN EXEMPTION FROM THE COMPETITIVE SCREENING AND SELECTION PROCESS FOR THE 72ND AND DARTMOUTH PROJECT

- Mayor Cook opened the public hearing.

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- Hearing procedures: This was an informational public hearing. For such a hearing, any person shall be given the opportunity to testify on this item.
- Senior Management Analyst Barrett presented the staff report outlining the key facts, which are stated within the Agenda Item Summary on file in the council meeting packet.
- There was no public testimony.
- Mayor Cook closed the public hearing.

Motion by Board Member Snider, seconded by Board Member Buehner, to adopt LCRB Resolution No. 13-02.

**LCRB RESOLUTION NO. 13-02 – A RESOLUTION GRANTING AN INDIVIDUAL EXEMPTION FROM THE COMPETITIVE SCREENING & SELECTION PROCESS FOR ENGINEERING SERVICES ON THE 72<sup>ND</sup> AND DARTMOUTH TRAFFIC SIGNAL AND STREET IMPROVEMENT PROJECT**

Motion was approved by a unanimous vote of the LCRB board members present:

Chair Cook	Yes
Board Member Henderson	Yes
Board Member Buehner	Yes
Board Member Snider	Yes
Board Member Woodard	Yes

Chair Cook adjourned the Local Contract Review Board meeting.  
Mayor Cook reconvened the City Council meeting.

**9. LEGISLATIVE PUBLIC HEARING ON RIVER TERRACE STREET MAINTENANCE FEE**

Purpose of the hearing is for the City Council to consider the deferral of street maintenance fees for River Terrace until July 1, 2016.

- Mayor Cook opened the public hearing.
- Hearing Procedures – This was a legislative public hearing. For such a hearing, any person shall be given the opportunity to testify on this item.
- Finance and Information Services Department Director LaFrance presented a staff report. A written summary of the key facts is stated within the Agenda Item Summary on file in the council meeting packet. The proposed resolution is to clarify that all street maintenance fees will be deferred for River Terrace properties until July 1, 2016.

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- Brief City Council discussion followed wherein it was the consensus that the proposed resolution would honor the City Council's intention that the River Terrace properties would not be charged urban level fees until their properties are able to be developed.
- There was no public testimony.
- Mayor Cook closed the public hearing.
- Consideration by City Council:

Motion by Councilor Buehner, seconded by Council President Henderson, to adopt Resolution No. 13-20.

**RESOLUTION NO. 13-20 - A RESOLUTION TO DEFER STREET MAINTENANCE FEE CHARGES UNTIL COMPLETION OF THE RIVER TERRACE COMMUNITY PLAN**

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

**10. LEGISLATIVE PUBLIC HEARING - COMMUNITY DEVELOPMENT CODE AMENDMENT FOR PARKING REQUIREMENT MODIFICATIONS**

The purpose of the hearing is for the City Council to consider the applicant's request (Killian Pacific) to lower minimum parking ratio requirements for certain uses (Eating and Drinking Establishments, Sale-Oriented Retail and Personal Services – banks with drive through) and lower the minimum percentages required for primary, secondary, etc. uses in mixed-use of multi-tenant developments. This will allow greater opportunities for the leasing or expansion of existing structures and businesses.

- a. Mayor Cook opened the public hearing.
- b. Staff Report: Associate Planner Caines and Senior Transportation Planner Gray presented the staff report.

Associate Planner Caines reviewed the staff report and referred to a slide presentation on file in the record copy of the meeting packet. The application for the proposed code amendment came to the City of Tigard from an outside applicant who is requesting to lower the parking minimum ratios for restaurants, sales-oriented retail and banks with drive-through. In addition, the applicant also proposes to lower the minimum percentages for primary, secondary and tertiary uses in mix-used and multi-tenant developments.

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Associate Planner Caines explained the proposed amendment would be citywide and would apply to all commercial, industrial and multi-family residential zones in the City of Tigard.

Associate Planner Caines gave background information:

- The city adopted the current minimum ratios in the parking chapter of the Community Development Code based upon the minimum ratios established by Metro in 1998. These minimums are applied to new construction, redevelopment and changes of use.
- The applicant owns property in the City of Tigard and he is not the only property owner who has been confronted with the situation of wanting to expand an existing development but unable to do so because he could not meet the minimum parking standards. This has created an economic development issue for some City of Tigard property owners.
- In 2012 the city received complaints from a residential neighborhood adjacent to a multi-tenant development where uses had changed over a period of time resulting in spillover parking into a residential neighborhood.
- Staff viewed the issues and considered perspectives from the economic development and the interests of the adjacent property owners' viewpoints. Staff then endeavored to strike a balance to determine the "right" numbers for parking requirements in the City of Tigard. Metro's numbers seemed high and the applicant's proposals seemed a little too low. Staff proposed numbers to provide a "bridge" and recommended changes to the code until there could be a comprehensive review of parking standards in the future.
- The Transportation System Plan adopted in 2010 recommends looking at parking ratios to determine if these need to be changed, possibly lowered. The recommendation proposes this review to be done in a comprehensive manner. This comprehensive review is not on the schedule of Community Development Department projects, which is why the staff is proposing the "bridge" to allow economic development to occur in the meantime.
- The information provided by the applicant on parking standards was reviewed.
- Many of the area jurisdictions adopted the Metro minimum parking ratios.
- A chart showing proposed or recommended parking standards was reviewed and included the "TTE Peak," "City of Tigard Minimum," "Applicant's proposal," and the "Staff proposal."
- Staff thought the numbers proposed by the applicant were too low based on the ITE information and requirements in place by other jurisdictions. Staff has proposed minimum parking requirements based on being somewhat "in the middle" and to avoid creating unforeseen problems.

Senior Transportation Planner Gray provided the following information:

- Prior to coming on staff for the City of Tigard, Ms. Gray was a transportation consultant for Kittelson & Associates and her specialty area was parking.
- The application before the City Council is unusual in that it is rare for a private developer/property owner to seek a code change affecting the entire city. Citywide code

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changes are most often initiated by the city. If the city were proposing changes in parking, the approach would be to have quite a lot of data collection and public outreach.

- The materials provided by the applicant are not as extensive as what the city would like; however, staff appreciates that this proposal moves the city toward a direction it wants to go.
- Ms. Gray reviewed the table showing the proposed or recommended parking standards comparisons. She referred to the abundance of data that is available that could be analyzed when considering this type of code change. There is no “one right number” to select on the chart – there are trade-offs to consider – it is about trying to find the right balance for the community.
- The benefit of the proposal before the City Council is that it provides for some benefit for economic development that cannot occur because of current code constraints.
- While the applicant’s proposal does not provide as much data as what is typically preferred, the impacts are relatively minor because it is reducing the minimum and not changing the maximum numbers. The effects, with the staff proposal, would be fairly narrow.
- The current situation with the parking standards is not unique to Tigard in that many cities adopted parking requirements in the 60’s and 70’s, which have not been updated on a regular basis.

c. Council/Staff Discussion

- In response to questions from Mayor Cook and Councilor Snider, Senior Transportation Planner Gray reviewed the differences between what the applicant was requesting and the staff’s proposal. She confirmed that the staff recommendation was based more on experience with ramifications of setting certain minimum requirements since the data depth is not available at this time. The nexus of requiring parking spaces in relation to the square area of the building was discussed and questioned since the amount of space devoted to kitchen area and storage was not factored. Ms. Gray said restaurants have a higher demand for parking than many other commercial uses but acknowledged that the current requirements for restaurant parking could pose a hardship especially when there are so many vacant commercial spaces. She said, as an interim step, taking a moderate reduction would be a good idea.
- Councilor Buehner referred to the recent City of Portland negative experiences when it eliminated certain parking requirements. She said she wanted to avoid a similar situation in Tigard.
- In response to a question from Councilor Snider, Associate Planner Caines advised the applicant is aware of and supports the staff recommendation.
- Mayor Cook asked about the triggers for changes in parking requirements. Associate Planner Caines gave an example: If a building houses a retail shop, the parking requirement is 3.7 spaces per 1,000 square feet. If a restaurant wants to move into this space, the parking requirement is 9.9 spaces per 1,000 square feet. This is a huge difference in the number of parking spaces required and if the property owner cannot show that the spaces are available or can be provided on the site, then staff cannot approve the use change. The reality is that sometimes the amount of parking required is not needed.

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- Councilor Woodard referred to the Nimbus development and the circumstance whereby two commercial spaces are vacant because of the parking requirements. He asked if the staff proposal would make a difference for this development. Associate Planner Caines advised the applicant is the owner of the Nimbus Center. With the reductions recommended by staff, the minimums would not be met; however, the applicant could apply for an adjustment, which would get them to the point where they could go ahead with the mix of uses they were considering. Councilor Woodard referred to numbers contained in the attachments to the Agenda Item Summary for this matter noting that it appears, even during peak times, that parking lots are only 50-60 percent full. He questioned whether the amendments proposed by staff are adequate, especially with the changes now apparent in how people do business; i.e., online banking. He would like to see the most flexibility possible to assist with economic development, which appears to be supported by the data. While Councilor Woodard acknowledged taking a more cautious approach, he would rather see the requirements support economic development and more flexibility would appear to be closer to “doing it right.”
- Senior Transportation Planner Gray commented that in many cities, if a developer wanted to get an adjustment to the parking requirement for a new fast food restaurant, to support a site-specific adjustment, they would take counts on three to five similar sites. The proposal before the City Council represents a citywide change, which is why she felt the data submitted by the applicant was not quite enough to support a citywide change. She added that the information provided does indicate a direction to ease up on minimum parking requirements. If additional ease is warranted, it can be allowed if a property owner justifies the need.
- Council President Henderson agreed the data supports the direction proposed by the applicant and staff with regard to helping business. However, he is concerned that a property owner would still need to go through an expensive review process. He referred to his office complex and the fact that it was too expensive to have a restaurant. He has a fast food establishment at this complex and he rents 20 additional parking spaces at an adjacent church for \$450/month. He said lowering the minimum parking standards would send a signal that Tigard is “open for business.” He acknowledged this type of code change would affect the road maintenance fee calculations. Council President Henderson said he would prefer to get this done correctly the first time; that is, do not settle for mediocre. In response to a question from Councilor Snider, Council President Henderson indicated his preference was for the applicant’s proposal. During his comments he would like to see a review of how square footage areas for businesses are calculated. He said the Papa John’s establishment in his complex is 1,500 square feet and requires 20 parking spots because there is an extra 600 square feet of overhang on the building that is included in the calculation for parking requirements.
- Councilor Woodard responded to Council President Henderson’s suggestion that the applicant’s proposal was acceptable and he said he prefers a proposal that would set minimum parking requirements at numbers representing a compromise between the applicant’s proposal and the staff’s recommendation.

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d. Public Testimony

Applicant representative from Killian Pacific, Vice President/Head of Development Noel Johnson, 500 East Broadway, Vancouver, Washington offered testimony:

- His company owns several properties in Tigard including the Nimbus Retail Center at Scholls Ferry Road and Nimbus. There are a number of vacancies at this center due solely to the “challenge that is before us.”
- A significant component of his company comprises large and small retail developments.
- For a number of years the Nimbus Center has had problems and after talking to Tigard staff, they decided to attempt to resolve the issues, which are keeping the center from developing to its potential. They decided that rather than simply to pursue a solution that would only benefit this one center, they would pursue a solution that would benefit other properties in the city.
- Killian Pacific has spent about \$55,000 on this effort to create the data to support their application working with Kittelson & Associates and other firms and experts. While the result is not ideal, it gives a good indication on where to go.
- While the applicant continues to prefer the numbers proposed in their application, they accept staff's recommendation. He acknowledged the capabilities of Tigard staff and especially noted the expertise in this area possessed by Senior Transportation Planner Gray. He agreed that if Ms. Gray said this was worth more study, then it probably should be studied more. He added the applicant would appreciate the change to happen now so they could work towards getting the Nimbus Center vibrant. They would have an opportunity to apply for an adjustment to meet their business needs.
- Mr. Johnson said they supported and encouraged continued study of this area of the code to adjust to the changing realities of how business is being conducted.

Councilor Buehner said she appreciated Mr. Johnson's words of support for the expertise possessed by Senior Transportation Planner Gray in this area of the code.

In response to a question from Council President Henderson, Mr. Johnson said further study would be enlightening and allow additional consideration of how to address parking demands for parking in different settings including urban development. The proposal tonight represents a first step to strike a balance between more and less urban types of development. His company does not want parking spillover to neighborhoods to become a problem.

Councilor Snider thanked Mr. Johnson for his company's approach to this matter to take a more global look toward finding solutions. Killian Pacific has done more than its part to analyze this situation and bringing the matter forward because of the legitimate concerns adversely affecting Tigard businesses.

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In response to a comment from Councilor Buehner, Mr. Johnson agreed that the proposed code change would make a difference for his company by allowing more flexibility. Once approved, his company will immediately move forward so they can completely fill up the Nimbus Center with tenants.

Councilor Snider asked about how the staff proposal would be of benefit to the applicant. Mr. Johnson said they would be able to move forward without further process toward filling up vacancies in the center if the applicant's proposal was approved. They would need to apply for an adjustment if the staff's recommendation was approved. He said this has been a multiple month process and no one is certain about "what the right numbers are." While the experts employed by the Killian Pacific firm are in support of what the applicant proposes, Mr. Johnson said he defers to Senior Transportation Planner Gray's (staff's) recommendation.

Councilor Snider summarized that it appears the council is being asked to make a big change based on a relatively incomplete study. Ms. Gray said the data is very limited to go forward with a citywide code amendment, which is why the staff made the recommendation that is now before the City Council.

Mr. Johnson again noted support for the staff's recommendation as well as doing more study at a later date to determine if additional changes are warranted.

Richard Shavey, 11371 SW Sycamore, Tigard, OR 97223 advised he has been working with downtown landowners. Parking is the biggest issue in the downtown, which he sees is more of a matter of how the existing parking is being used. He said the downtown landowners need to resolve this issue, not the city. Mr. Shavey said he has a great deal of respect for any property owner who initiates the action to make a recommendation to the city. He said economic development is a big issue for him. His concern with the proposal before the City Council is that it is a "bridge approach" to spur economic development based on less than thorough information. He referred to the proposal for a comprehensive study and questioned when such a study could be undertaken and analyzed. In this case "we don't know the answers" and he would prefer having the information before proceeding.

Senior Transportation Planner Gray responded to Mr. Shavey's comments and noted she would defer response to Assistant Community Development Director McGuire with regard to the Community Development Department work program and budget. Mr. McGuire advised that next month he will be brief the City Council and Planning Commission on upcoming legislative projects to update/revise various sections of the code. The parking issue is scheduled for review in the fall of 2014. Mr. Shavey acknowledged the workload of existing staff; however, noted his dismay that it would take this long to review this matter. Discussion followed about whether reprioritization should occur. Councilor Buehner noted the city's priority to complete the River Terrace Community Planning.

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- d. Associate Planner Caines said staff's recommendation is to include the proposed changes recommended by the Planning Commission at its hearing and further amended by staff.
- e. Mayor Cook closed the public hearing.
- f. Council consideration/discussion.

City Attorney Watts addressed Council President Henderson's announcement that he would recuse himself from voting on this matter. Mr. Watts said he heard Council President Henderson announce earlier that he might be financially impacted by a decision of the City Council on this matter. He said that Council President Henderson has disclosed this to the public and his advice would be for Council President Henderson to abstain on this issue. Council President Henderson said he would "abstain with comment."

Council President Henderson said that, "I really think that if we don't take the most conservative stand on this that we will be looking at problems down the line. I still come back and say this is going to trigger the road maintenance fee and we have been promised every year that we would have thorough investigation of this. I still think that we need to do that in total. I don't think we understand what is actually going to happen to us when we do this."

Councilor Snider asked Council President Henderson what he means by taking a conservative approach. Council President Henderson said he would rather we "pull this back as far as we can rather than taking a higher level and saying 'well, we're going to cut later when the information finally gets to us.'" Councilor Snider asked if Council President Henderson was recommending that the council adopt the applicant's recommendations. Council President Henderson said, "Correct." He said from an economic development perspective, he thinks the applicant's proposal is the best. Staff admits there is a problem.

Councilor Woodard said he was considering adjusting the proposed numbers lower. He said he did not think the city has ever addressed the policy with "overhang." He said he is unsure whether square footage is a true representation of the facility. He has not reviewed this policy but said such a review might change his decision-making process. It makes it difficult for him to say the staff recommendation is the best.

City Manager Wine asked for staff to respond to the question of how square footage is determined in relation to the requirements for parking. Associate Planner Caines said that parking ratios are based on floor area. The definition of floor area includes any area that is under a roof. There were comments from council that this definition is "wrong." Councilor Woodard said this is a problem for him and because of this, he would lean more toward "the minimum."

City Manager Wine reiterated Assistant Community Development Director McGuire's earlier comments to the City Council that through an upcoming regulatory reform process, the Community Development Department staff regularly collects issues with the code that cause problems or affect leasable area. When the City Council reviews the projects on the work plan,

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this issue being discussed by the council will be included. To address the point about the street maintenance fee and to address how council is troubled about how square footage is calculated; those issues can be addressed at the time these sections of the code are scheduled for review.

Discussion followed on how these code adjustments can be made.

City Manager Wine explained how the street maintenance fees are calculated. While exact predictions of the magnitude on the overall fees cannot be made, if the council reduces the minimum requirements for parking spaces, then those spaces would be removed from the street maintenance fee calculations. It appears that the proposed changes are not so radical that it would greatly affect the total street maintenance fee revenue. Every five years the city reviews the street maintenance fee calculations. These issues are not before the City Council tonight; however, if council wants to review the street maintenance fee, then staff can bring this forward. Given the number of properties that would be affected by the proposed amendment, City Manager Wine said the impact to the street maintenance fee should not be significant. Staff was bringing this information to the council so it would understand that parking spaces are included in the street maintenance fee as a proxy for vehicle trips and as soon as you start taking parking spaces out of the calculation, it can affect the fee level.

Councilor Buehner said she thinks the council should defer to the point that a major overhaul of the code is coming and the code should not be rewritten in total this evening. Councilor Buehner made a motion to approve Ordinance No. 13-07 using the recommendation of staff, particularly since “we have the parking guru on staff” and it would be foolish to ignore her recommendation. She said she would add to the motion that “these items be included in the review as we move forward.” This change is going to make a big difference to businesses. Councilor Buehner said “I don’t want to be trying to make citywide major changes without having all of the data.”

Councilor Snider asked for an opportunity to ask some additional questions and was not ready for a second to the motion. Councilor Woodard said he also was not ready for a second to the motion.

Councilor Snider said he did not like to make big changes on short notice. He said it appears the council has struck upon an issue as they are struggling with the staff recommendation and balancing it with economic development and the applicant’s testimony. He referred to the calculations and the issues brought up with how square footage is considered. His question on the table is whether it is written in code with regard to how the calculations are done or is it prescribed in administrative rules. A code change takes 18 months while an administrative rule could be more easily amended. He said he has not heard testimony regarding the confidence in any of the proposed options for parking and it appears that council has the opportunity to take action on this policy issue for purposes relating to parking.

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Assistant Community Development Director McGuire responded to Councilor Snider that the calculations are prescribed in the code; it is not based on interpretation. He said he was not making a recommendation one way or another, but would caution the City Council that complaints are made that the code is too complex. He said if changes are made to calculations so that some things are calculated one way and others another way, then it is more likely for errors and omissions to occur and adds to the code's complexity.

Councilor Woodard said he sees three options available to the City Council:

- Option 1 – The proposed amendments as recommended by staff.
- Option 2 – A median approach (between Option 1 and 2).
- Option 3 – The proposed amendments submitted by the applicant.

Councilor Woodard proposed Option 2, which would mean the proposed code numbers would appear as follows:

Use	Minimums		
	Current	Proposed	Amended by <b>Staff Council</b>
Eating and Drinking Establishments <sup>[8]</sup>	Fast Food: 9.9/1,000 Other: 15.3/1,000	6.0/1,000 8.0/1,000	<del>7.0 8.0/1,000</del> <del>9.0 10.0/1,000</del>
Sales-Oriented Retail	3.7/1,000	<u>3.0/1,000</u>	<b>3.0/1,000</b>
Personal Services (Bank with drive-through)	4.3/1,000	2.7/1,000	<b>3.0 4.3/1,000</b> <del>(no change)</del>
<u><sup>[8]</sup> Fast food designation includes all eating and drinking establishments with a "walk up counter" or less than ten (10) tables in the dining area.</u>			

In response to a question from Councilor Snider, City Attorney Watts said the council has the ability to choose the staff's proposal, the applicant's request or for the council to "make your own path." He said there has been public notice on the parking requirements, there has been no notice regarding the calculation of the square footage nor has there been a notice about changes to the calculation of the street maintenance fees. These two topics would likely be of great interest to many business owners and individuals in the city and cautioned the council not to take positions on these topics tonight.

Councilor Woodard said his changes only relate to the numbers per 1,000 square feet.

Council President Henderson said he would like to have staff look into the two topics referred to by City Attorney Watts.

Mayor Cook noted that the proposed amendments only affect a few establishments now. The entire code will need to be reviewed at a later date after further study.

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Councilor Snider proposed the council go forward with Councilor Woodard's recommendations of "7, 9, 3 and 3." After confirmation of these numbers by Councilor Woodard, Councilor Snider said his proposal as stated above is a motion.

Councilor Woodard seconded the motion.

The motion was approved by a majority vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Abstain
Councilor Buehner	No
Councilor Snider	Yes
Councilor Woodard	Yes

Later in the meeting proceedings Mayor Cook asked for the City Recorder to read the number and title of the proposed ordinance:

City Recorder Wheatley read the following:

ORDINANCE NO. 13-07 - AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.765, TO REDUCE MINIMUM PARKING RATIOS FOR EATING AND DRINKING ESTABLISHMENTS, SALES-ORIENTED RETAIL AND PERSONAL SERVICES – BANK WITH DRIVE-THROUGH USES AND REDUCE THE MINIMUM PARKING PERCENTAGES WITHIN MIXED USE AND MULTI-TENANT DEVELOPMENTS (DCA2013-00001) AS AMENDED.

A roll call vote was taken and the ordinance was adopted by a majority vote of the City Council:

Mayor Cook	Yes
Council President Henderson	Abstain
Councilor Buehner	No
Councilor Snider	Yes
Councilor Woodard	Yes

#### 11. LEGISLATIVE PUBLIC HEARING - APPROVAL OF FISCAL YEAR 2013 MAY BUDGET SUPPLEMENTAL

Purpose of the hearing is for the City Council to consider approval of a 0.8 FTE Records Technician in Administrative Services to last no more than two years.

- Mayor Cook opened the public hearing.

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- This is a legislative public hearing. For this type of hearing, any person is given the opportunity to comment.
- Finance and Information Services Department Director LaFrance presented the staff report. If the proposed resolution is approved, a Records Technician position would be created in the Administrative Services Department for a two-year period to bring the city's electronic record management system (Laserfiche) current.
- There was brief council discussion where consensus was reached to support the proposed resolution.
- Mayor Cook closed the public hearing.
- Council consideration:

Motion by Councilor Buehner, seconded by Councilor Snider, to adopt Resolution No. 13-21.

RESOLUTION NO. 13-21 - A RESOLUTION TO ADOPT A MAY SUPPLEMENTAL BUDGET AMENDMENT TO FY 2013 TO ACHIEVE THE FOLLOWING: ADD 0.8 FTE RECORDS TECHNICIAN IN THE ADMINISTRATIVE SERVICES DEPARTMENT

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

12. EXECUTIVE SESSION: Not held.

### 13. COUNCIL LIAISON REPORTS

Councilor Buehner presented a report on the Water Oversight Committee meeting of May 13, 2013. She reported Tigard's share of the budget had no changes; however, Lake Oswego's share had some adjustments. There was discussion regarding about the bid process. It is anticipated that there will be several bid openings over the next 60 days. The Lake Oswego Council will be making the decisions on bid awards. Permit statuses were discussed at the Oversight Committee meeting. The majority of the meeting related to the evaluation of where the project was financially and identifying the contingencies for several of the project areas.

Councilor Snider also attended the meeting and advised that members of the Lake Oswego City Council have asked for a report with financial summaries of the project. This report was helpful and the Committee will review this report monthly as it gives a high-level look at how the project is going pertaining to the key financial information.

Councilor Buehner reported that the Lake Oswego City Council members of the Oversight Committee are endeavoring to gain an understanding on the potential risks of the project. Much of

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this information will become evident once the bids have been let and will affect the cost contingencies. She reported the plans to report project costs to the Oversight Committee in the coming months.

Councilor Snider asked that the monthly reports be distributed to the entire City Council. After a comment by Councilor Buehner, Councilor Snider suggested that City Council members call either Councilor Buehner or him if they have questions.

14. NON AGENDA ITEMS – None.

15. ADJOURNMENT: 9:36 p.m.

Motion by Councilor Buehner, seconded by Councilor Woodard, to adjourn the meeting.

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

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Catherine Wheatley, City Recorder

Attest:

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Mayor, City of Tigard

Date:\_\_\_\_\_

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